

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 23-61065-CIV-SINGHAL

DONNA CROWE, Individually and on
Behalf of All Others Similarly Situated,

CONSOLIDATED CLASS ACTION

Plaintiff,

vs.

MANAGED CARE OF NORTH AMERICA,
INC., d/b/a MCNA DENTAL,

Defendant.

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**ORDER GRANTING
PLAINTIFF'S UNOPPOSED MOTION TO CONSOLIDATE CASES**

THIS CAUSE is before the Court on Plaintiff Donna Crowe's ("Crowe") Motion to Consolidate Cases (DE [26]). Plaintiff moves to consolidate the following actions ("Related Actions") for both pre-trial and trial purposes pursuant to Federal Rule of Civil Procedure 42(a):

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|---------------|---------------------------------------------------------------|
| 0:23-cv-61065 | <i>Crowe v. Managed Care of North America, Inc.</i> |
| 0:23-cv-61087 | <i>Nelson v. Managed Care of North America, Inc.</i> |
| 0:23-cv-61112 | <i>Brown v. Managed Care of North America, Inc.</i> |
| 0:23-cv-61132 | <i>Shuey, et al. v. Managed Care of North America, Inc.</i> |
| 0:23-cv-61139 | <i>Anson v. Managed Care of North America, Inc.</i> |
| 0:23-cv-61143 | <i>Branson v. Managed Care of North America, Inc.</i> |
| 0:23-cv-61146 | <i>Manning v. Managed Care of North America, Inc.</i> |
| 0:23-cv-61149 | <i>Menendez v. Managed Care of North America, Inc.</i> |
| 0:23-cv-61151 | <i>Hanekom, et al. v. Managed Care of North America, Inc.</i> |
| 0:23-cv-61158 | <i>Carter v. Managed Care of North America, Inc., et al.</i> |
| 0:23-cv-61171 | <i>Landry v. Managed Care of North America, Inc.</i> |
| 0:23-cv-61173 | <i>Jackson v. Managed Care of North America, Inc.</i> |
| 0:23-cv-61186 | <i>Gonzalez v. Managed Care of North America, Inc.</i> |
| 0:23-cv-61191 | <i>Shores v. Managed Care of North America, Inc.</i> |

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| 0:23-cv-61192 | <i>Buechler v. Managed Care of North America, Inc.</i> |
| 0:23-cv-61193 | <i>Williams, et al. v. Managed Care of North America, Inc.</i> |
| 0:23-cv-61200 | <i>Nieblas, et al. v. Managed Care of North America, Inc., et al.</i> |
| 0:23-cv-61222 | <i>Sheppard, et al. v. Managed Care of North America, Inc.</i> |
| 0:23-cv-61226 | <i>Collins v. Managed Care of North America, Inc.</i> |
| 0:23-cv-61238 | <i>Richard, et al. v. Managed Care of North America, Inc.</i> |
| 0:23-cv-61243 | <i>Moore v. Managed Care of North America, Inc.</i> |
| 0:23-cv-61248 | <i>McIntyre v. Managed Care of North America, Inc.</i> |
| 0:23-cv-61250 | <i>Jernigan v. Managed Care of North America, Inc.</i> |
| 0:23-cv-61294 | <i>Preston, et al. v. Managed Care of North America, Inc.</i> |
| 0:23-cv-61298 | <i>Conley, et al. v. Managed Care of North America, Inc.</i> |

Crowe reports that all parties consent to consolidation. Having reviewed the Motion, the Memorandum in Support, and the Complaints in all actions and having found that the cases (1) involve some of the same issues of fact and law for purposes of consolidation; (2) grow out of the same alleged data breach involving Defendants Managed Care of North America, Inc. d/b/a MCNA Dental, MCNA Insurance Company, and/or MCNA Health Care Holdings, LLC (together, “Defendants” or “MCNA”); (3) have many of the same claims; and (4) have proposed class definitions that will encompass the same persons, the Court finds that the cases have sufficient commonality of issues and parties to warrant consolidation pursuant to Federal Rule of Civil Procedure 42. The Court further finds that the benefits of consolidation are not outweighed by any risk of prejudice or jury confusion. The effect of such consolidation will be judicial economy and preserving the parties’ resources, as well as avoiding disparate rulings in separate actions. Accordingly, it is hereby

ORDERED AND ADJUDGED that the Motion to Consolidate Cases (DE [26]) is **GRANTED** as follows:

1. The above-listed actions, and any other action arising out of the same or similar operative facts now pending or hereafter filed in, removed to, or transferred to this Court, shall be **CONSOLIDATED** for all purposes into the Crowe action, Case No. 0:23-

cv-61065-AHS. All future pleadings, motions, briefs, and other papers shall be filed in the *Crowe* action, which shall hereinafter be a Consolidated Action. The Clerk of Court is **DIRECTED** to docket this Order in each of the Related Cases listed above and to **CLOSE** each of the Related Actions;

2. Each new case that arises out of the subject matter of the Consolidated Action, which is filed in this Court or transferred to this Court, shall be consolidated with the Consolidated Action. This Order shall apply thereto, unless a party objects to consolidation, as provided for herein, or to any provision of this Order, within ten (10) days after the date upon which a copy of this Order is served on counsel for such party. Such party shall object by filing an application for relief, and this Court shall determine whether it is appropriate to grant such application. Nothing in the forgoing shall be construed as a waiver of Defendants' right to object to consolidation of any subsequently filed or transferred related action;

3. Any attorney who has filed an action in any of these consolidated cases may file an application for consideration as interim class counsel. All applications must be e-filed in Case No. 23-61065-CIV-SINGHAL by **August 4, 2023**. Each attorney's application shall not exceed five pages (double-spaced) and may include a resume no longer than five pages (including attachments), addressing the factors set forth in Federal Rule of Civil Procedure 23(g)(3);

4. Within **seven (7)** days of the Court's entry of an order appointing interim class counsel, such interim class counsel shall submit to the Court a detailed timekeeping protocol to be followed by all counsel for the Plaintiffs. All Plaintiffs' counsel shall then comply with the terms of this protocol;

5. Plaintiffs shall file a Consolidated Amended Complaint no later than **45 days** following the appointment of interim class counsel;

6. Defendants shall be relieved from responding to the Complaints in the above-captioned actions and any subsequently filed related case until the Court issues an Order on the appointment of interim lead class counsel and Plaintiffs file an Amended Consolidated Complaint.

DONE AND ORDERED in Chambers, Fort Lauderdale, Florida, this 13th day of July 2023.



RAAG SINGHAL
UNITED STATES DISTRICT JUDGE

Copies furnished counsel via CM/ECF